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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,846	02/18/2004	Shaun Thomas Broering	9527L	2517

7590 04/07/2008
The Procter & Gamble Company
Intellectual Property Division
Winton Hill Technical Center-Box 161
3110 Center Hill Avenue
Cincinnati, OH 45224

EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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04/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/780,846

Applicant(s)

BROERING ET AL.

Examiner

/Jeff H. Aftergut/

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3, 12-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bustin in view Meyer et al optionally in view of either one of Buchman et al or Bohn et al (both newly cited).

The rejection of Bustin in view of Meyer is applied for the same reasons as expressed in the Examiner's Answer. It should be noted that the rejection is based upon the fact that the material used to form the bags would have been a known alternative which was either a tubular film which was flattened or a folded sheet material which was sealed, see Meyer et al at column 2, lines 16-31. The applicant is advised that the use of a sheet material which was c-folded was an art recognized equivalent to the use of a flattened tubular sheet in the manufacture of bags wherein the bags had a strainable network provided therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a c-folded sheet material in place of an extruded tube in the manufacturing operation to make bag in accordance with the techniques of Bustin as the reference to Meyer et al expressly suggested that such were art recognized equivalents in the art of bag manufacture with strainable networks therein.

To further evidence that those skilled in the art would have understood that a flattened tube or a c-folded sheet material would have been art recognized equivalents in the art of bag manufacture, the references to Bohn et al or Bachman et al are cited.

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More specifically, the applicant is referred to column 4, lines 8-16 of Bachman et al and column 3, lines 1-19 of Bohn et al. Note that both Bohn et al and Bachman et al are forming bags from the plastic material supplied in the form of a flattened tube or a c-folded sheet material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a c-folded sheet material as an alternative to the tubular sheet material in Bustin as the references to Meyer et al suggested as further supported by the teachings of either one of Bohn et al or Bachman et al in order to form a bag having a strainable network therein.

While the dynamics of a c-folded engaged sheet may have been different from that of a tubular sheet which has been engaged, one skilled in the art would have been expected to process the material in a similar manner in order to separate the engaged material in accordance with the teachings of Bustin and regulated the air flow (for example) in order to ensure separation of the material. One would have reasonably expected success in performing this processing on an engaged film whether in c-folded or tubular shape.

3. Claims 2, 4, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 2 further taken with Cronauer for the same reasons as expressed in the examiner's answer dated January 15, 2008.

4. Claims 2, 4-9, 10, 11, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 2 further taken with any one of Rowe et al, La Fleur et al or Yisha et al or in view of the collective

teachings of Hiramoto et al Henaux, Adelman and Muller for the same reasons as expressed in the examiner's answer dated January 15, 2008.

Response to Arguments

5. Applicant's arguments filed 2-19-08 have been fully considered but they are not persuasive.

The applicant essentially argues that the reference to Bustin failed to teach forming the bag from a web of material which was a c-folded sheet material. The reference to Meyer et al as previously discussed clearly suggested that the use of c-folded sheet material or a tubular sheet were art recognized equivalents in bag manufacture. Additionally, the claims as presented failed to exclude the sealing of the c-folded sheet material into a tube prior to further processing. It should be noted that the newly cited references to either one of Bohn et al or Bachman et al both suggested that those skilled in the art would have employed a c-folded sheet material in the operation for forming a bag assembly as the starting material therein. As noted above, one skilled in the art would have understood how to adjust the disengaging means of Bustin in order to open up the pleated assembly whether one started with a c-folded sheet material or a tubular sheet which was flattened.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Jeff H. Aftergut/ whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:30-4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/
Primary Examiner
Art Unit 1791

JHA
March 31, 2008